

Message Text

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45

ACTION EUR-25

INFO OCT-01 ADP-00 EURE-00 SSO-00 NSCE-00 INRE-00 USIE-00

CIAE-00 PM-07 INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01

PRS-01 TRSE-00 MBFR-03 SAJ-01 SS-15 NSC-10 OMB-01

OTPE-00 EB-11 OC-06 CCO-00 RSR-01 /109 W

----- 122009

O R 021658Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 6643

SECDEF WASHDC IMMEDIATE

USMISSION BERLIN IMMEDIATE

INFO USMISSION NATO BRUSSELS

CINCUSAREUR HEIDELBERG

CINCUSAFE/AVON RAMSTEIN

CINCUEUR VAIHINGEN

USNMR SHAPE

CINCUSNAVEUR LONDON

UNCLAS BONN 11047

CITE: BERLIN FOR AMBASSADOR HILLENBRAND

E.O. 11652:N/A

TAGS: PINR, GW

SUBJECT: FRG PRESS SPOKESMAN ANNOUNCEMENT ON TELECOMMUNICATIONS
MATTERS

1. FOLLOWING IS THE ENGLISH TEXT OF A STATEMENT MADE AUGUST 2

BY FRG PRESS SPOKESMAN. QUOTE:

ON AUGUST 2, 1973, A COMMITTEE OF STATE SECRETARIES OF THE
FEDERAL GOVERNMENT DISCUSSED IN BONN THE RESULT OF INVESTIGATIONS
INITIATED IN CONNECTION WITH PUBLICLY VOICED ALLEGATIONS ACCORDING
TO WHICH AMERICAN AGENCIES HAD VIOLATED GERMAN LAW BY INFRINGING
ON THE PRIVACY OF TELECOMMUNICATIONS. AT ITS MEETING UNDER THE
CHAIRMANSHIP OF THE FEDERAL CHANCELLERY, THE STATE SECRETARIES
OF THE MINISTRIES OF INTERIOR, FOREIGN OFFICE, DEFENSE MINISTRY,
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MINISTRY OF JUSTICE, INNER GERMAN RELATIONS, THE FEDERAL PRESS

OFFICE, AND PTT TOOK PART.

2. THE COMPETENT AUTHORITIES THOROUGHLY EXAMINED IN DETAIL THE ABOVE METIONED ALLEGATIONS MADE PUBLIC ABOUT THE ALLEGED ILLEGAL TAPPING PRACTICES IN THE FEDERAL TERRITORY. THE INVESTIGATIONS DISCLOSED THAT ALLEGATIONS THAT AMERICAN AGENCIES IN THE FRG HAD VIOLATED GERMAN LAW BY INFRINGING ON THE PRIVACY OF TELECOMMUNICATIONS WERE UNFOUNDED.

3. IN THE TERRITORY OF THE FRG LIMITATIONS ON THE PRIVACY OF TELECOMMUNICATIONS ARE ONLY PERMITTED UNDER THE LAW CONCERNING ARTICLE 10 BASIC LAW OF AUGUST 13, 1968 AND MUST BE EXECUTED BY GERMAN AUTHORITIES. THOSE POSSIBLE RESTRICTIVE MEASURES ARE SET FORTH DEFINITELY IN THE LAW IMPLEMENTING ARTICLE 10 BASIC LAW. THEY INCLUDE RESTRICTIVE MEASURES MADE IN THE INTEREST OF THE SECURITY OF THE STATIONED FORCES IN THE FRG.

4. ON THE BASIS OF THE SUPPLEMENTARY AGREEMENT OT THE NATO SOFA OF AUGUST 3, 1959, AND CORRESPONDING AGREEMENTS WITH THE THREE POWERS, THE LATTER MAY IN THE ABOVE MENTIONED INSTANCE RECOMMEND THAT THE BFS OR THE BND UNDERTAKE APPROPRIATE MEASURES, BUT NOT, HOWEVER, DEMAND THEM. A DECISION ABOUT THE MATTER FALLS EXCLUSIVELY IN THE COMPETENCE OF THE FEDERAL MINISTRY OF THE INTERIOR IN CASES CONCERNING PARAGRAPH TWO, OR THE MINISTRY OF DEFENSE IN THE CASE OF PARAGRAPH THREE OF THE LAW IMPLEMENTING ARTICLE 10 BASIC LAW. THE DICLOSURES RESULTING FROM SUCH RESTRICTIVE MEASURES ARE TURNED OVER TO THE AUTHORIZED OFFICIALS OF THE THREE POWERS INsofar AS THIS MATERIAL IS OF RELEVANCE TO THE SECURITY ITERESTS OF THE THREE POWERS.

5. THE THREE POWERS HAVE REPEATEDLY MADE USE OF THE POSSIBILITY TO RECOMMEND SURVEILANCE MEASURES. IN SOME OF THE CASES THE RECOMMENDATIONS WERE ADOPTED. ALL CASES OF THIS KIND HAVE BEEN APPROVED BY THE THREE PARTY (PARLIAMENTARY) COMMISSION PROVIDED FOR IN THE LAW IMPLEMENTING ARTICLE 10 OF THE BASIC LAW. THE COMMISSION, CONSISTING OF DELEGATES OF THE THREE PARTIES REPRESENTED IN THE BUNDESTAG, HAS IN NO INSTANCE NOTED A VIOLATION OF BASIC RIGHTS.

6. THE TECHNICAL IMPLEMENTATION OF THE MEASURES SET FORTH IN UNCLASSIFIED

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THAT LAW MUST BE CARRIED OUT BY THE PTT.IT CAN BE EXCLUDED WITH CERTAINTY THAT, UNLESS THE PTT HAD APPROPRIATE ORDERS, IT WOULD NOT CARRY OUT SUCH SURVEILANCE MEASURES IN POST AND TELEPHONE TRAFFIC.

7. THE MINISTER FOR PTT IS NOT AWARE AF ANY ILLEGAL ENCROACHMENTS IN THE PUBLIC TELECOMMUNICATIONS NETWORK OF THE FRG AS PRESENTLY REPORTED IN THE PRESS.

8. THE COMPETENT AMERICAN AUTHORITIES WILL BE INFORMED ABOUT
THE RESULT OF THESE INVESTIGATIONS BY THE FEDERAL GOVERNMENT
THROUGH NORMAL CHANNELS. UNQUOTE.HILLENBRAND

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN11047
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730863/aaaabugl.tel
Line Count: 119
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: kellerpr
Review Comment: n/a
Review Content Flags:
Review Date: 24 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24-Aug-2001 by cunninfx>; APPROVED <27-Aug-2001 by kellerpr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG PRESS SPOKESMAN ANNOUNCEMENT ON TELECOMMUNICATIONS MATTERS
TAGS: PINR, GE
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005